



JUN 01 2001

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In re Application of	:	
AKOPOV, et al.	:	DECISION ON PETITION
Application No.: 09/719,497	:	
PCT No.: PCT/RU00/00088	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 17 March 2000	:	
Priority Date: 18 March 1999	:	
Attorney Docket No.: GAI-001US	:	
For: DEVICE FOR THE THERAPEUTIC AND	:	
COSMETIC PHOTO-PROCESSING OF	:	
BIOLOGICAL TISSUE AND METHOD	:	
FOR USING THE SAME	:	

This decision is in response to applicant's "Petition to Revive An Abandoned Application Pursuant to 37 CFR § 1.137(b)" filed 13 December 2000 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 March 2000, applicant filed international application PCT/RU00/00088. A Demand for international preliminary examination, in which the United States was elected, was not filed prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 18 November 2000.

On 18 November 2000, the application became abandoned for failure to pay the basic national fee for a U.S. national stage entry application.

On 13 December 2000, applicant filed the present petition accompanied by a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371." and a copy of the international application in Russian.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to Item (1), the proper response was the payment of the basic national fee. Applicant has authorized deduction of this payment from Deposit Account No. 12-0080 along with the present petition.

As to Item (2), applicant has included a check for \$620.00, the appropriate small entity petition fee.

With regard to Item (3), applicant's statement that, "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate. Applicants are still required to submit an executed oath or declaration of the inventors and an translation of the international application into English. Applicant will be charged the appropriate surcharge and filing fee for submitting an oath or declaration and English translation later than twenty months from the priority date.

CONCLUSION

For the reasons stated above, the petition for revival is GRANTED.

As authorized, \$695.00 will be deducted from Deposit Account 12-0080 (\$500.00 for payment of the Basic National Fee, \$65.00 for payment of the appropriate surcharge for providing the declaration later than thirty months from the priority date and \$130.00 for furnishing the English translation later than 30 months from the claimed priority date).

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905).



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